

**REMARKS**

After entry of the above amendments, claims 1-5 and 18-32 will be pending in the present application. Previously pending claim 6 has been cancelled. Claim 1 has been amended to incorporate elements from cancelled claim 6. New claim 32 has been added. Support for the new claims and the claim amendments can be found in the specification, the drawings, and the claims as originally filed. No new matter has been added.

The present claim amendments and claim cancellations are only for facilitating expeditious prosecution of the present application. As such, Applicant is not conceding that the claims as previously presented are not patentable over art cited by the Examiner. Applicant reserves the right to pursue any previously presented claims and any other claims in one or more continuation and/or divisional applications.

**Allowable Claims**

Applicant wishes to thank the Examiner for indicating that claims 6, 26, 27, and 30 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Applicant has cancelled claim 6 and incorporate the elements of claim 6 into claim 1. Therefore, Applicant respectfully submits that claim 1, and the claims that depend therefrom, are now in form for allowance.

New claim 32 incorporates the elements of claims 26 and 27, as well as the independent claim 21 and intervening claim 25. Therefore, Applicant respectfully submits that new claim 32 is in form for allowance.

### **Claim Rejections**

Claims 21-25 and 28-29 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,933,130 to Wagner (hereinafter “Wagner”). Claim 31 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Wagner in view of U.S. Patent No. 6,091,397 to Lee (hereinafter “Lee”).

Claim 21 recites:

21. An apparatus comprising:  
 an evaluator that evaluates a display brightness of a window displayed on a screen of a display unit; and  
 a display controller that automatically adjusts a screen brightness of the screen of the display unit based on the evaluated display brightness of the window.

In the Office action, the Examiner states:

Regarding claim 21, Wagner discloses an apparatus (10, Fig. 1, col. 5, lines 50-52) comprising:

an evaluator (CPU 22, Fig. 2) that evaluates a display brightness (display brightness in Fig. 7) of a window (Pattern Selection window in Fig. 7) displayed on a screen (the screen in Fig. 7) of a display unit (Figs. 1-3 and 11-13); and

a display controller (30 and 34, Fig. 2) that automatically adjusts a screen brightness of the screen of the display unit based on the evaluated display brightness of the window [the brightness control software (30) and brightness control (34) would control the brightness of the screen based on the evaluation of CPU (22)].

(June 27, 2007 Office action, pg. 4).

Wagner is directed to “an anti-eye strain apparatus and method for a display screen” (col. 1, Ins. 6-7 of Wagner). In Wagner, “the general level of brightness, ranger of adjustable brightness, time

for each brightness adjustment cycle, and pattern for varying the brightness are set and this information is used to vary the brightness of the display in a specific manner” (col. 7, Ins. 41-45 of Wagner).

FIG. 7 of Wagner illustrates a graphical user interface to allow a user to set the general level of brightness and the pattern for varying the brightness (see col. 9, Ins. 7-16 of Wagner). The “Brightness” bar illustrated in FIG. 7 of Wagner is a way for a user to select the general level of brightness for the display. The “Pattern Selection” boxes illustrated in FIG. 7 of Wagner are a way for the user to select the pattern for varying the brightness of the display. Applicant fails to see how detecting user selections in the graphical user interface illustrated in FIG. 7 of Wagner has anything to do with “evaluat[ing] a display brightness of a window displayed on a screen of a display unit”, as recited in claim 21.

Additionally, everything in Wagner relates to the brightness of the display. In contrast, claim 21 recites “automatically adjust[ing] a screen brightness of the screen of the display unit based on the evaluated display brightness of the window” (emphasis added). Hence, the brightness of the display in Wagner cannot be construed as both the “display brightness of a window” and the “screen brightness of the screen of the display unit” recited in claim 21 because the “display brightness of a window” is different from the “screen brightness of the screen of the display unit”.

As discussed in the specification and illustrated in FIGs. 5-6 of the present application, the “display brightness” of one window could be different from the “display brightness” of another window even when the “screen brightness” of the display is at the same setting due to, for instance, the background of the window, the colors used in the window, and so forth (see, e.g., paragraphs [0060]-[0061]).

Since Lee does not cure the deficiencies of Wagner, even if Lee was combined with Wagner, the combination would neither teach nor suggest the elements of claim 21. Therefore, Applicant

respectfully submits that claim 21, and the claims that depend therefrom, are patentable over Wagner, in view of Lee, based at least on the reasons above.

**CONCLUSION**

On the basis of the above remarks, reconsideration and allowance of the claims is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Respectfully submitted,  
SAWYER LAW GROUP LLP

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/Erin C. Ming/  
Erin C. Ming  
Attorney for Applicant  
Reg. No. 47,797  
(650) 475-1449